

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

FILED
DES MOINES, IOWA

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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

IN RE)	MISC. NO. M-138
)	
FILING MATERIALS UNDER SEAL)	ADMINISTRATIVE ORDER
WITHOUT PRIOR COURT ORDER)	
)	

The court recognizes that certain materials filed with the Clerk of Court routinely are permitted to be filed under seal, and in such instances, the sealing procedures in Local Rule 5.1(e) (adopted in Local Criminal Rule 47.1(b)) can be an unnecessary burden to the parties, the court, and the Clerk of Court. Accordingly,

IT IS HEREBY ORDERED that notwithstanding the procedures set out in Local Rule 5.1(e) for filing materials under seal, a party may file the following materials under seal pertaining to criminal matters without first filing a request for leave to do so, and without an order authorizing the filing of the materials under seal:

1. Motions and financial affidavits of defendants, witnesses, and accused persons seeking representation of an attorney at Government expense under the Criminal Justice Act or the United States Constitution;
2. Motions for issuance of subpoenas;


3. Motions for issuance of arrest warrants;
4. Motions for leave to subpoena witnesses at Government expense under the Criminal Justice Act;
5. Motions for issuance of writs of habeas corpus ad testificandum;
6. Motions under the Criminal Justice Act for authorization to incur expenses for expert, investigative, or other services;
7. Motions of attorneys to withdraw from representation of a defendant in a criminal case;
8. Motions by defendants in criminal cases to discharge their attorney;
9. Motions filed pursuant to Section 5(k)1.1 of the United States Sentencing Guidelines for a downward departure;
10. Motions filed pursuant to Section 3553(e) of Title 18, United States Code, for authority to impose a sentence below a statutory minimum;
11. Motions filed pursuant to Rule 35(b) of the Federal Rules of Criminal Procedure to reduce a sentence for substantial assistance;
12. Reports filed by the United States Probation Office relating to offenders under supervision;

13. Materials to be filed by the Clerk of Court under seal pursuant to a regulation, statute, or law of the United States (for example, records, subpoenas, and other materials filed in relation to proceedings before a United States Grand Jury, and motions and other materials relating to Title III wiretaps instituted pursuant to the Omnibus Crime Control and Safe Streets Act of 1968, Title 18 U.S.C. sections 2510-2522);
14. Motions, resistances, and other responses to motions or reports filed under seal pursuant to this administrative order;
15. Ex Parte Applications for tax information filed pursuant to 26 U.S.C. § 6103(i);
16. Motions and materials submitted for in camera review to determine whether particular materials are required to be disclosed in discovery;
17. Motions for protective orders relating to child victims and witnesses filed under 18 U.S.C. § 3509, or otherwise identifying child victims or victims of sexual abuse offenses, such as under Fed. R. Evid. 412-415; and
18. Motions and pleadings identifying national security information.

Materials filed under seal pursuant to this administrative order must either (1) have the caption of the case as the heading of the document, or (2) be filed in a sealed envelope marked with the caption of the case. The caption of materials filed pursuant to this administrative order must contain the notation "FILED UNDER SEAL." Otherwise, the materials will be filed without being sealed, and therefore will be included in the public case file.

The Clerk of Court is directed to place a copy of this order in the Public Administrative Orders binder.

DONE AND ORDERED this 16th day of September, 2003.


RONALD E. LONGSTAFF, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA